

amendment in disagreement is divided between the majority and minority parties—or divided three ways if both floor managers are in support of the motion and if an-

other Member demands 20 minutes in opposition. See H. Res. 7, 131 CONG. REC. 393, 99th Cong. 1st Sess., Jan. 3, 1985.

### E. POSTPONING VOTES; CLUSTERING VOTES; REDUCED VOTING TIME; SEPARATE VOTES

#### § 53. Evolution of House Rules on Postponement and Reduced Voting Time

##### *Introduction*

The concepts of postponing votes, clustering a series of votes, and of reducing voting times were introduced into the rules by the adoption of House Resolution 5 on the first day of the 96th Congress.<sup>(1)</sup> Amendments were made to Rules I, XV, XXIII, and XXVII.<sup>(2)</sup> The first instance where the Speaker utilized his new authority to postpone a series of votes to another day occurred on Feb. 21, 1979,<sup>(3)</sup> when the debate on a series of 10 committee funding resolutions was conducted but where the votes were postponed until Feb. 26, 1979.<sup>(4)</sup>

1. 125 CONG. REC. 7-10, 12, 13, 96th Cong. 1st Sess., Jan. 15, 1979.

2. *Id.* at pp. 8, 9.

3. 125 CONG. REC. 2906, 96th Cong. 1st Sess.

4. *Id.* at pp. 3255, 3256.

Although the Speaker may not on his own volition and discretion reduce the times in which votes are taken with the electronic system, the House may authorize such action by unanimous consent or special order.

##### *The Development of the Speaker's Postponement Authority and Its Place in the Rules*

**§ 53.1 In the 96th Congress, the Speaker was given discretionary authority to postpone record votes on the final passage of bills, the adoption of resolutions and conference reports to a time certain within two legislative days. In separate amendments to Rules XI and XXVII, the authority to postpone and "cluster" votes on resolutions reported from the Committee on Rules and on motions to suspend the rules**

**until the same or the next legislative day was clarified.**

New rules adopted on Jan. 15, 1979,<sup>(5)</sup> included the following authorities [those parts of the resolution relating to postponing and clustering votes are shown in italic]:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

*Resolved*, That the Rules of the House of Representatives of the Ninety-fifth Congress, including all applicable provisions of law which constituted the rules of the House at the end of the Ninety-fifth Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the Ninety-sixth Congress, with the following amendments included therein as part thereof, to wit: . . .

(2) In Rule I, clause 5 is amended by inserting "(a)" immediately after "5" and by adding at the end of such clause the following new paragraph:

*"(b)(1) On any legislative day whenever a recorded vote or the yeas and nays are ordered on the question of passing bills or resolutions or agreeing to conference reports, or when a vote is objected to under clause 4 of Rule XV on the question of passing bills or resolutions or agreeing to conference reports, the Speaker may, in his discretion, postpone further proceedings on each such question to a designated time or*

*place in the legislative schedule on that legislative day or within two legislative days.*

*"(2) At the time designated by the Speaker for further consideration of proceedings postponed under subparagraph (1), the Speaker shall put each question on which further proceedings were postponed, in the order in which that question was considered.*

*"(3) At any time after the vote has been taken on the first question on which the Speaker has postponed further proceedings under this paragraph, the Speaker may, in his discretion, reduce to not less than five minutes the period of time within which a rollcall vote by electronic device on the question may be taken without any intervening business on any or all of the additional questions on which the Speaker has postponed further proceedings under this paragraph.*

*"(4) If the House adjourns before all of the questions on which further proceedings were postponed under this paragraph have been put and determined, then, on the next following legislative day the unfinished business shall be the disposition of all such questions, previously undisposed of, in the order in which the questions were considered." . . .*

(11)(a) In Rule XI, clause 4(e) is amended to read as follows:

*"(e)(1) On any legislative day when reports from the Committee on Rules are being considered, the Speaker may announce to the House, in his discretion, before consideration of the first resolution, that he will postpone further proceedings on such of the resolutions reported from that committee as he may designate if a recorded vote or the yeas and nays are ordered or if the vote is objected to under clause 4 of Rule XV when the Chair puts the question on the previous question or on the adoption of the resolution, until—*

5. 125 CONG. REC. 7-9, 12, 96th Cong. 1st Sess.

*“(A) all such resolutions on that legislative day have been considered and any debate thereon concluded, with the question having been put and determined on each such resolution on which the taking of the vote will not be postponed; or*

*“(B) the next legislative day, with the question having been put and determined on each such resolution on which the taking of the vote will not be postponed.*

*“(2) Where the Speaker has postponed votes pursuant to paragraph 4(e)(1)(A) of this clause, when the last of such resolutions so designated has been considered and any debate thereon concluded, with the question put and determined on each such resolution on which further proceedings were not postponed, the Speaker shall put the appropriate question on each such resolution on which further proceedings were postponed in the order in which each such resolution was considered.*

*“(3) Where the Speaker has postponed votes pursuant to paragraph (e)(1)(B) of this clause, on the next legislative day the Speaker shall put as unfinished business the appropriate question on each such resolution on which further proceedings were postponed in the order in which each such resolution was considered.”;*

(b) Redesignate subparagraphs (3) and (4) as (4) and (5) respectively. ;

*“(18)(a) In Rule XXVII, amend clause 3 to read as follows:*

*“3. (a) When a motion to suspend the rules has been submitted to the House or has been seconded pursuant to clause 2 of this rule, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition; and the same right of debate shall be allowed whenever the pre-*

*vious question has been ordered on any proposition on which there has been no debate.*

*“(b)(1) On any legislative day on which the Speaker is authorized to entertain motions to suspend the rules and pass bills or resolutions, including the last six days of a session, he may announce to the House, in his discretion, before entertaining the first such motion, that he will postpone further proceedings on each of such motions on which a recorded vote or the yeas and nays is ordered or on which the vote is objected to under clause 4 of Rule XV, until—*

*“(A) all of such motions on that legislative day have been entertained and any debate thereon concluded, with the question having been put and determined on each such motion on which the taking of the vote will not be postponed; or*

*“(B) the next legislative day, with the question having been put and determined on each such motion on which the taking of the vote will not be postponed.*

*“(2) Where the Speaker has postponed votes pursuant to paragraph (b)(1)(A) of this clause, when the last of all motions on that legislative day to suspend the rules and pass bills or resolutions has been entertained and any debate therein concluded, the Speaker shall put the question on each motion which further proceedings were postponed, in the order in which that motion was entertained.*

*“(3) Where the Speaker has postponed votes pursuant to paragraph (b)(1)(B) of this clause, on the next legislative day the Speaker shall put as unfinished business the question of each motion on which further proceedings were postponed, in the order in which that motion was entertained.”; . . .*

MR. WRIGHT: Mr. Speaker, I yield, for purposes of debate only, 30 minutes of that hour to the distinguished mi-

nority leader, the gentleman from Arizona (Mr. Rhodes), and pending that, I yield myself such time as I may require. . . .

The rules changes we propose are modest. Their thrust is to assist the House in facilitating the business of the House. I think basically these changes embodied in this resolution will do four things:

First, some of the changes would grant authority to the Speaker to group record votes in clusters in order to expedite the consideration of relatively noncontroversial legislation. The purpose of this, quite obviously, is to save time. . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, consideration of our rules is an important area of discussion, for they are going to determine how we proceed in this House for the next 2 years.

The rules changes proposed are complex and technical. I am going to place in the Record an analysis and an expression of my concern over what I consider to be the more significant changes proposed by the majority, but I want to mention the two areas which could lead to the greatest mischief: the postponing of votes and the budget amendments.

Mr. Speaker, the clustering of votes at the end of the day or on the following day may expedite the business of this House, but that practice certainly will not lead to better legislation. It will actually encourage absenteeism, as was alluded to by the gentleman from Iowa (Mr. Grassley), and will tend to inhibit open debate and discussion.

Mr. Speaker, votes on rules reported and suspensions can actually be de-

ferred until the next day, but it is my understanding that the Speaker would give prior notice of these votes if the votes would be deferred.

**§ 53.2 In the 97th Congress, the House adopted changes to Rule I to consolidate under one clause the separate authorities to postpone record votes on a variety of issues.**

In the process of adopting new rules for the 97th Congress, the House, on Jan. 5, 1981,<sup>(7)</sup> consolidated the various authorities for the Speaker to postpone record votes in Rule I clause 5. As part of the same amendment, the period of time for which a vote on a suspension motion can be postponed was increased from one to two legislative days. The new rule provided:

H. RES. 5

*Resolved*, That the Rules of the House of Representatives of the Ninety-sixth Congress, including all applicable provisions of law which constituted the Rules of the House at the end of the Ninety-sixth Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the Ninety-seventh Congress, with the following amendments included therein as part thereof, to wit:

(1) In Rule I, clause 4 is amended by adding at the end thereof the following new sentence: "The Speaker is author-

7. 127 CONG. REC. 98, 97th Cong. 1st Sess.

ized to sign enrolled bills whether or not the House is in session.”.

(2) In Rule I, clause 5(b)(1) is amended to read as follows:

“(b)(1) On any legislative day whenever a recorded vote is ordered or the yeas and nays are ordered, or a vote is objected to under clause 4 of Rule XV on any of the following questions, the Speaker may, in his discretion, postpone further proceedings on each such question to a designated time or place in the legislative schedule on that legislative day or within two legislative days:

“(A) the question of passing bills;

“(B) the question of adopting resolutions;

“(C) the question of ordering the previous question on privileged resolutions reported from the Committee on Rules;

“(D) the question of agreeing to conference reports; and

“(E) the question of agreeing to motions to suspend the rules.”.

***Special Orders Used To Regulate Deferral and Clustering of Votes; Postponement Authority in Committee of the Whole***

**§ 53.3 The House for the first time, by the adoption of a special order, granted the Chairman of the Committee of the Whole special authority to defer requests for recorded votes, to cluster votes on amendments which are deferred, and to vary the**

**order of consideration of amendments established in the special order.**

In an effort to introduce more logical consideration of major issues in annual defense authorization bills, and to expedite their consideration, the Committee on Armed Services (redesignated as the Committee on National Security in the 104th Congress) has requested the Committee on Rules to report increasingly detailed and structured special orders governing consideration of such measures. The rule adopted by the House in the 102d Congress, second session, is illustrative of the detailed special orders which have been utilized in more recent Congresses. The text of House Resolution 474 was as follows:<sup>(8)</sup>

MR. [MARTIN] FROST [of Texas]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 474

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House

8. Portions of the rule dealing with the amendment process and voting are shown in italics. 138 CONG. REC. 13239-41, 102d Cong. 2d Sess., June 3, 1992.

resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, *the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read.* All points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI, clause 5(a) of rule XXI, and section 302(f) of the Congressional Budget Act of 1974 are waived. *No amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in this resolution.* Pro forma amendments for the purpose of debate may be offered only by the chairman or ranking minority member of the Committee on Armed Services. Unless otherwise specified in this resolution, the amendments printed in the report of the Committee on Rules shall

be considered in the order and manner specified in the report. Unless otherwise specified in the report, each amendment may be offered only by the named proponent or a designee, shall be considered as read when offered, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. If more than one of the following amendments relating to funding levels for the Strategic Defense Initiative is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House: (1) by Representative Dellums of California; (2) by Representative Kyl of Arizona; (3) by Representative Durbin of Illinois; and (4) Representative Aspin of Wisconsin or Representative Dickinson of Alabama. If more than one of the following amendments relating to B-2 procurement is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House: (1) by Representative Andrews of Maine; and (2) Representative Aspin of Wisconsin or Representative Dickinson of Alabama. At any time after the adoption of this resolution the Committee on Rules may file a supplemental report for the purpose of printing additional amendments relating to economic conversion and adjustments in funding levels. Amendments printed in the supplemental report shall be considered as though included in the original report to accompany this resolution except that the consideration of any amendments relating to economic conversion: (1) shall be in order not sooner than one hour after the chairman of the Committee on Armed Services announces from the floor a

request to proceed thereto; and (2) shall begin with general debate on that subject for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part II of the report of the Committee on Rules or germane modifications thereof. Amendments en bloc shall be considered as read except that modifications shall be reported. Amendments en bloc shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments en bloc are waived. The original proponent of an amendment included in amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. *The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes.* The chairman of the Committee of the Whole may recognize for the consideration of an amendment printed in the report of the Committee on

Rules at a time other than its prescribed place in the order, but not sooner than one hour after the chairman of the Committee on Armed Services announces from the floor a request to that effect. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

THE SPEAKER PRO TEMPORE:<sup>(9)</sup> The gentleman from Texas [Mr. Frost] is recognized for 1 hour.

MR. FROST: Mr. Speaker, House Resolution 474 provides for the consideration of H.R. 5006, the National Defense Authorization Act for Fiscal Year 1993. . . .

Mr. Speaker, in devising the rule providing for the consideration of the fiscal year 1993 Defense Department authorization, the Committee on Rules considered over 180 amendments which were submitted to the committee for possible inclusion in the rule. The proposed rule not only allows the House to debate all of the major policy issues associated with our national defense, it also allows the House to work its will on a number of amendments which deal with a variety of issues relating to the Department of Defense. However, the rule providing for the consideration of all these issues

9. Romano L. Mazzoli (Ky.).

is necessarily complicated and I would like to take a few minutes to explain to the House the procedure recommended by the Rules Committee.

Only those amendments printed in the report accompanying House Resolution 474, as well as certain amendments en bloc and pro forma amendments for the purpose of debate, if offered by the chairman or ranking minority member of the Committee on Armed Services, will be eligible for consideration. The amendments made in order in the report are to be considered in the order and manner specified, and, unless otherwise specified in the rule, the amendments are debatable for 10 minutes each, to be equally divided and controlled by a proponent and opponent of the amendment. The rule also provides that unless otherwise specified, amendments may be offered only by the named proponent or a designee, and provides that the amendments shall be considered as read when offered, shall not be subject to a demand for a division in the House or in the Committee of the Whole, and waives all points of order against the amendments printed in the report. . . .

Mr. Speaker, because a number of amendments made in order in the rule do deal with major policy issues, the Committee on Rules has structured the consideration of two of those issues in a king-of-the-hill procedure. The rule provides that during the consideration of amendments relating to the strategic defense initiative, that each of the four amendments eligible for consideration shall be debated for 30 minutes, with the time to be equally divided and controlled by the named proponent and an opponent. Each amend-

ment will be debated and voted on and the last amendment agreed to shall be considered as finally adopted and reported to the House. . . .

The rule also grants the Committee on Rules the authority to file a supplemental report which will include amendments relating to economic conversion and add backs of DOD funds to reflect the spending levels envisioned in the fiscal year 1993 budget resolution. The rule provides that the amendments printed in the supplemental report shall be considered as though they had been printed in the original report accompanying House Resolution 474. However, the rule does provide that any amendment relating to defense conversion shall not be considered until 1 hour after the chairman of the Committee on Armed Services announces a request to proceed to the consideration of those amendments and until after the completion of general debate, not to exceed 1 hour on that subject. The rule provides that general debate on the issue of defense conversion shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule provides for the consideration of two amendments relating to defense conversion, but which shall be debatable for 10 minutes, equally divided and controlled. The first amendment will be offered by Chairman Aspin, and the second, a substitute amendment, will be offered by Representative Dickinson. . . .

In order to expedite the consideration of this lengthy and complicated process in the House, House Resolution 474 provides that the Chairman of the Committee of the Whole may postpone

a request for a recorded vote, votes may be reduced to 5 minutes the time for voting on amendments after the first 15-minute vote in a series of votes, and may recognize for consideration of amendments out of the order in which they are printed in the report accompanying this rule, but only after 1 hour's notification by the chairman of the Committee on Armed Services.

**§ 53.4 While the authority of the Chairman of the Committee of the Whole to postpone and cluster votes is provided by special orders, drafted to fit the specific amendment process established for a particular bill, the concept of reducing voting times to five minutes was incorporated into the standing rules in the 102d Congress. Rule XXIII clause 2(a), permits a five-minute vote on an amendment immediately following a 15-minute quorum call; and clause 2(c) permits the reduction of voting time on an amendment or amendments where the vote comes immediately after a 15-minute vote on another amendment.**

The first instance where the Chairman announced his intention to use the new authority in clause 2(c), Rule XXIII, occurred on May 15, 1991.<sup>(10)</sup> During con-

10. 137 CONG. REC. 11115, 102d Cong. 1st Sess.

sideration of H.R. 1415, the Foreign Relations Authorization Act of fiscal years 1992 and 1993, a partial amendment tree was pending: an amendment, a perfecting amendment thereto, and a substitute for the original amendment. The Chairman's statement of his intention to have two five-minute votes, if recorded votes were in fact ordered, following a 15-minute vote on the perfecting amendment, was in fact thwarted by further debate which intervened after the first of the three votes. Proceedings were as indicated below.<sup>(11)</sup>

MS. [OLYMPIA J.] SNOWE [of Maine]:  
Mr. Chairman, I offer amendments en bloc explicitly made in order under the rule.

The Clerk read as follows:

Amendments en bloc offered by Ms. Snowe:

Strike paragraph (7) of section 101(a).

Strike section 132 and insert in lieu thereof the following:

SEC. 132. MOSCOW EMBASSY  
SECURITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 401(a) of the Diplomatic Security Act (22 U.S.C. 4851) is amended—

(1) in paragraph (4) by striking "Amounts" and inserting "Except as provided in paragraph (5), amounts"; and

(2) by adding after paragraph (4) the following new paragraph (5):

11. *Id.* at pp. 11090, 11093, 11109.

(5) MOSCOW EMBASSY SECURITY.—Of the amounts authorized in paragraph (4), \$130,000,000 shall be available for fiscal year 1993 only for the costs of deconstruction of the partially constructed new chancery of the United States Embassy in Moscow to the basement level and reconstruction of a new chancery on the same site.”.

(b) EXTRAORDINARY SECURITY SAFEGUARDS.— . . .

MR. [HAROLD L.] BERMAN [of California]: Mr. Chairman, I offer an amendment to the amendments en bloc.

The Clerk read as follows:

Amendment offered by Mr. Berman to the amendments en bloc offered by Ms. Snowe:

Page 1, after “Strike paragraph (7) of section 101(a)” insert “and insert the following:

(7) MOSCOW EMBASSY.—Subject to the provisions of section 132, for construction of a new United States Embassy office building in Moscow, Soviet Union, \$130,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal year 1993.

Page 1, strike subsection (a) (lines 2 through 16) and insert the following (and redesignate subsections as may be appropriate);

(a) LIMITATION.—Amounts authorized to be appropriated under section 101(a)(7) shall be available for obligation and expenditure subject to the provisions of this section.

(b) COMPREHENSIVE PLAN.— . . .

MR. [FREDERICK S.] UPTON [of Michigan]: Mr. Chairman, I offer an amendment as a substitute for the amendments en bloc.

The Clerk read as follows:

Amendments offered by Mr. Upton as a substitute for the amendments en bloc offered by Ms. Snowe:

Strike paragraph (7) of section 101(a).

Strike section 132 and insert in lieu thereof the following:

SEC. 132. MOSCOW EMBASSY SECURITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 401(a) of the Diplomatic Security Act (22 U.S.C. 4851) is amended—

(1) In paragraph (4) by striking “Amounts” and inserting “Except as provided in paragraph (5), amounts”; and . . .

MR. BERMAN: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:<sup>(12)</sup> The gentleman will state it.

MR. BERMAN: Mr. Chairman, were the Berman amendment to pass, would then the Upton substitute be a substitute for the Berman amendment?

THE CHAIRMAN: If the Berman amendment were to be adopted, the Upton substitute would be for the Snowe amendment, as amended. But it would, if adopted, eliminate the Berman perfecting amendment.

MR. BERMAN: And restore the Snowe amendment with the additional provisions regarding Soviet funding.

THE CHAIRMAN: The gentleman is correct.

MR. BERMAN: At this particular point, you will ask for a vote on the Berman amendment. If there is a rollcall requested following that vote, is there a way to deal with the Upton amendment, or do we have to wait until after that 15-minute rollcall vote?

THE CHAIRMAN: The Chair would announce pursuant to clause 2(c), rule XXIII its intent that if a subsequent

12. David R. Nagle (Iowa).

recorded vote should be ordered without intervening business or amendment or debate, that the Chair would then intend to reduce to not less than 5 minutes the votes on any subsequent recorded votes. The Snowe amendment and amendments thereto.

MR. [HAROLD L.] VOLKMER [of Mississippi]: Mr. Chairman, will the gentleman yield?

MR. BERMAN: On the point of parliamentary inquiry.

MR. VOLKMER: Just a point of clarification.

There is no time limit on debate; is that correct?

THE CHAIRMAN: The gentleman from Missouri [Mr. Volkmer] is correct.

MR. VOLKMER: In addition, Mr. Chairman, if the amendment of the gentleman from California [Mr. Berman] is successful or not, either way, to the amendment of the gentlewoman from Maine [Ms. Snowe], I could still rise at the end of that, and, if recognized by the Chair, be able to offer a motion at that time?

THE CHAIRMAN: The gentleman is correct, and should that debate or intervening business take place, the subsequent vote will not be reduced to 5 minutes.

**§ 53.5 In the 104th Congress, the House further amended Rule I, clause 5(b), to reorder and expand the list of questions susceptible to postponement. In certain situations, the vote on the previous question can be postponed, if the question to which it applies is also sub-**

**ject to the Speaker's postponement authority. In the 105th Congress, the House expanded the list of questions susceptible to postponement in Rule I to include votes on amending Corrections bills and suspension motions.**

As amended in the 104th and the 105th Congresses, Rule I clause 5(b), which contains the authority for the Speaker to postpone votes in the House, provides as follows:

(b)(1) On any legislative day whenever a recorded vote is ordered or the yeas and nays are ordered, or a vote is objected to under clause 4 of rule XV on any of the following questions, the Speaker may, in his discretion, postpone further proceedings on each such question to a designated time or place in the legislative schedule on that legislative day in the case of the question of agreeing to the Speaker's approval of the Journal, or within two legislative days, in the case of the other questions listed herein:

(A) the question of adopting a resolution;

(B) the question of passing a bill;

(C) the question of agreeing to a motion to instruct conferees as provided in clause 1(c) of rule XXVIII:<sup>(13)</sup> *Pro-*

13. Clause 1(c) of Rule XXVIII provides for motions to discharge or instruct conferees in certain situations. See *House Rules and Manual* §910 (1995).

*vided, however,* That proceedings shall not resume on said question if the conferees have filed a report in the House;

(D) the question of agreeing to a conference report;

(E) the question of agreeing to a motion to recommit a bill considered pursuant to clause 4 of rule XIII;<sup>(14)</sup>

(F) the question of ordering the previous question on a question described in subdivision (A), (B), (C), (D), or (E);

(G) the question of agreeing to an amendment to a bill considered pursuant to clause 4 of rule XIII; and

(H) the question of agreeing to a motion to suspend the rules.

## § 54. Postponing Votes

### *Postponement of Votes to Next Legislative Day*

**§ 54.1 An announcement by the Chair, after midnight on one legislative day, that votes will be taken “tomorrow” results in their postponement until the next legislative day. Under Rule I clause 5(b), the period for postponement of votes is measured in legislative, not calendar, days.**

On Oct. 15, 1990,<sup>(15)</sup> the House remained in session until after

14. Clause 4 of Rule XIII provides for the “Corrections Calendar.” See *House Rules and Manual* §745a (1995).

15. 136 CONG. REC. 29286, 101st Cong. 2d Sess.

midnight and considered several motions to suspend the rules. When the Speaker Pro Tempore, Romano L. Mazzoli, of Kentucky, announced that he would postpone recorded votes ordered on the series of motions until “tomorrow,” a parliamentary inquiry was directed to the Chair as follows:

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FRANK: Mr. Speaker, what day is tomorrow?

THE SPEAKER PRO TEMPORE: The Chair would answer the gentleman’s question by stating that it is on the next legislative day.

### *By Speaker’s Authority—Postponement of Suspension Votes; Chair’s Discretion*

**§ 54.2 Clause 5(b) does not require the Speaker to announce at the beginning of consideration of a motion to suspend the rules his intention to postpone proceedings if roll call votes are demanded.**

Under Rule I clause 5(b), the Speaker may postpone further proceedings after a record vote is ordered or a point of no quorum raised under Rule XV clause 4.

While the Chair, as a courtesy to all Members, normally an-